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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,992	11/13/2001	Mark R. Gambino	POU920010131US1/I32-0010	9427

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EXAMINER
TRUONG, LECHI

ART UNIT	PAPER NUMBER
2194	

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	**Applicant(s)**
Office Action Summary	10/010,992	MARK R. GAMBINO
	Examiner	**Art Unit**	
	LeChi Truong	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 December 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8 and 10-12* is/are rejected.

7)☐ Claim(s) *9* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

1.   Claims 1-12 are presented for the examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Elgamal et al (Us.

Patent 5,657,390) in view of ST (Stunel).

4.   **As to claim 1,** Elgamal teaches the invention substantially as claimed including: secure

sockets layer (SSL sessions) (col 5, ln 15-16/ ln 32-35/ col 11, ln 52 –55), an application process

(col 11, ln 54-56), a daemon process (col 12, ln 14-16, col 13, ln 42-46), an SSLprocess (col 12,

ln 56-60), SSL application-programming interface (API) calls for communication (col 6, ln 15-

25/ col 11, ln 52-56/ col 12, ln 13-16).

5.   Elgamal does not teach wrapper. However, ST teaches the wrapper (SSL encryption

wrapper, page 1, ln 3-10).

6.   It would have been obvious to one of the ordinary skill in the art at the time the invention

was made to combine the teaching of Elgamal and ST because ST's SSL encryption wrapper

would improve the system of Elgamal by allowing the security protocol by which e-mail

message can be securely delivered to the recipient.

7.   Claims **7, 8, 10-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Brendel et al (6,772,333 B1) in view of ST (Stunnel).

8.   **As to claim 7,** Brendel teaches a process receiving a request for a shared SSL session

from an application process (col 7, ln 25-30/ col 10, ln 13-18), an SSL session (encrypted

session, col 7, ln 25-30, col 10, ln 12-18), at least one process receiving at least one return code,

at least one process passing a return code to the application process (col 11, ln 23-26).

9.   Brendel does not teach SSL wrapper for the process, the SSL daemon process for

receiving request and return code. However, ST teaches SSL wrapper (SSL encryption wrapper,

page 1, ln 3, ln 12-22), the SSL daemon process for receiving request and return code (daemons

running on your system you can easily setup them to communication with clients over secure

SSL channel, page 1, ln 12-22, page 2, sec: wrapper remote server).

10.   It would have been obvious to one of the ordinary skill in the art at the time the invention

was made to combine the teaching of Brendel and ST because ST's SSL encryption would

improve the security of Brendel's system by securing all the message that are delivered to the

recipient.

11.   **As to claim 8,** Brendel teaches the first input parameter indicating whether or not a

shared SSL session is requested (col 7, ln 25-30/ col 10, ln 1-9 and ln 14-18).

12.   **As to claim 10,** Brendel teaches sharing secure sockets layer (SSL) sessions across

multiple processes (col 7, ln 25-30), a computer to receive a request for an SSL session (col 9, ln

2-5), to determine whether the request is for a shared or unshared SSL session (col 10, ln 2-6/ col

7, ln 25-30), received at least one request for a shared SSL session to call a SSL session (col 9, ln

3-8), to receive a return code from the SSL session (col 1, ln 41-42), pass a return a return code

to SSL process (col 11, ln 23-26) and ST teaches the SSL daemon process for receiving and

sending return code (daemons running on your system you can easily setup them to

communication with clients over secure SSL channel, page 1, ln 12-22, page 2, sec: wrapper

remote server).

15.   **As to claim 11,** Brendel teaches a first parameter indicating whether or not a shared SSL

session is requested (SSL session ID, col 7, ln 25-30, col 8, ln 18-20/ col 10, ln 1-17).

16.   **As to claim 12,** Brendel teaches the second input parameter being the data and

application process to be secured by an SSL session (the encrypted data, col 1, ln 41-42/ col 11,

ln 55-58).

17.   Claims **2-6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Elgamal et al

(Us. Patent 5,657,390) in view of ST (Stunel), as apply to claim 1 above, and further in view of

Brenbel (US, 6772,333 B1).

18.   **As to claim 2,** Elganal and ST do not teach determines whether the request is for a shared

or unshared SSL session or sharing secure sockets layer (SSL) sessions. However, Brendel

teaches determines whether the request is for a shared or unshared SSL session (the same

encrypted session to the same server based on the secure sockets layer (SSL) session ID, col 7, ln 25-30).

19.   It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Elgamal, ST and Brendel because Brendel's determination step of whether the request is for shared or unshared SSL session would improve the system of Elganal and ST's systems by allowing the association of the different encrypted sessions and clear-text to connect with the same user.

20.   **As to claim 3,** Brendel teaches a first input parameter (the packets with the SSL session ID from the server, col 8, ln 15-20/ col 9, ln 2-8).

21.   **As to claim 4,** Brendel teaches the second input parameter compising the data the application process requests secured by an SSL session (the encrypted data, col 1, ln 41-42/ col 11, ln 55-58).

22.   **As to claim 5,** ST teaches the SSL daemon process for receiving and sending return code (daemons running on your system you can easily setup them to communication with clients over secure SSL channel, page 1, ln 12-22, page 2, sec: wrapper remote server).

24.   **As to claim 6,** ST teaches the SSL daemon process (daemons running on your system you can easily setup them to communication with clients over secure SSL channel, page 1, ln 12-22, page 2, sec: wrapper remote server).

Allowable Subject Matter

25.   Claims 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to the argument:

29.   Applicant amendment filed on 9/03/04 has been considered but they are not persuasive:

Applicant argued in substance that :

(1) " Sturnel fail to teach or suggest an application process using SSL API calls to communicate with an SSL wrapper process".

(2) " by contrast, the application process is aware of the SSL session and issues SSL API (not sockect APIs). Stunnel fails to disclose SSL-aware application".

(3) " Stunel fails to teach or suggest a shared SSL session".

30.   Examiner respectfully disagreed with Applicant's remarks:

As to the point (1), Elgamal teaches a client application calls Winsock/SSL_library to request a socket connection to a server applicaton. The Winsock/SSL_library, in turn calls the operating system protocol stack and establishes wth socket connection with the server side (col 12, ln 55-60).

As to the point (2), Elgamal teaches SSL_API (SSL_open, SSL_write..., col 13, ln 1-5). The term "SSL-aware application" was not in the claim.

As to the point (3), Brendel teaches the same encryted session to the same server(col 7, ln 25-30). The same encryted session is a shared session since the same encyted session is used for the same server.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to LeChi Truong whose telephone number is (703) 305 5312. The

examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Meng-Ai An can be reached on 703-305-9678. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR of Public PAIP. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIP

system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

LeChi Truong

May 31, 2005

SUE LAO
PRIMARY EXAMINER